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## FACT SHEET

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# Senate Bill 1407—Impacts of Delay Judicial Branch Court Construction Program

Senate Bill 1407 (Stats. 2008, ch. 311), authorized up to \$5 billion in bonds to build or renovate courthouses in 32 counties. These projects are necessary to replace or improve courthouses with the most severe problems—safety and security, structural deterioration, and overcrowding—for the protection of the public, court staff, and judicial officers, and to improve access to justice in California. As noted in Chief Justice Tani Cantil-Sakauye's Access 3D vision, physical access to justice requires safe, secure, accessible courthouses, open where and when the public needs them.

SB 1407 projects are funded by court users from increased fees, penalties, and assessments. However, due to the state's budget problems that began in 2009, court construction funds were diverted for several years to other needs within the state. These diversions delayed and eliminated essential projects.

### Court Construction Funds Diverted

Since 2009, nearly \$1.7 billion in court construction funds have been used to address the state's budget shortfall, including:

- Loans to the General Fund totaling \$440 million.
- A 2011 redirection of construction funds to the General Fund—not the courts—of \$310 million, essentially an entire year's worth of SB 1407 program revenues.
- A 2012 redirection of \$240 million to court operations, backfilling a General Fund reduction, plus an ongoing \$50 million redirection beginning in fiscal year 2013–14.
- Over the same two years, the Judicial Council redirected a further \$122 million of construction funds to judicial branch operations to soften the impact of General Fund reductions.

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- Another \$313 million intended for repairs and enhancements of court facilities was redirected to court operations to backfill for budget reductions to the courts, adding to a significant backlog of deferred maintenance in the judicial branch.
- In fiscal year 2013–2014, the Legislature redirected another \$200 million of court construction funds to court operations to backfill a \$200 million cut in General Fund, delayed repayment of a \$90 million loan, and passed a new requirement that the New Long Beach Courthouse (an average of \$60 million per year for the next 35 years) be paid for with court construction funds.

In response, the judicial branch had to delay the start of design or construction for ten projects, cancel two courthouse projects, reduce budgets on all others, and indefinitely delay eleven projects.

All of these delays exacerbate the already significant problems associated with our aging and increasingly unsafe facilities. The delays are costly to the state in other ways as well. These delays will:

- Continue to expose the public, judicial officers, and court staff to hazardous conditions posed by structurally unsafe and unsound buildings;
- Prolong risks to the personal safety of the public, judicial officers, and court staff created by security deficiencies in the buildings—one of the primary drivers of need for new facilities;
- Impair the state's ability to create an estimated 104,000 direct and indirect new jobs, critically needed to put Californians back to work; and
- Cost the state hundreds of millions of dollars in lost buying power.

#### **Physical Risks**

California's courthouses suffer from years of neglect. Courthouses slated for replacement using the funds generated by SB 1407 are unsafe for the public and staff in many ways. They often lack adequate fire alarm systems, emergency evacuation systems, or other basic life safety systems. Many courthouses are seismically deficient and could be condemned, or worse, collapse in a moderate earthquake.

Roofs and windows leak, often causing severe water damage and, in some cases, indoor air-quality hazards. Aging and outdated systems—elevators, power, heating and ventilation, plumbing—fail frequently, hindering already backlogged court operations and affecting the public's timely access to justice.

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Delaying replacement of and repairs to these buildings extends hazards that have long been identified as unacceptable. For example, in Tehama County, the Corning Courthouse's public passageway is a single corridor ending at the single courtroom. The one emergency exit through the courtroom is kept locked to prevent in-custody defendants from escaping. This courthouse's limited seating capacity has occasionally forced the judge to conduct sessions in the parking lot.

### **Security Risks**

The courthouse projects authorized by SB 1407 are the most immediately and critically needed in the state. Delaying construction prolongs many risks to public safety.

The antiquated physical layout of many courthouses creates security risks. These buildings need to be replaced or remodeled to eliminate or reduce the danger. A March 2009 incident in a Stockton courtroom, in which a defendant was shot to death after he attacked the judge with a handmade weapon, illustrates courtroom security challenges and highlights the need for modern, secure courthouses. In many courthouses, in-custody defendants move through the same hallways used by the public. This leads to intimidation of victims and witnesses and to contamination of jurors. Many courthouses lack space for attorneys to confer confidentially with clients. In the El Dorado Courthouse, for example, the public defender must confer with clients in the open holding cell or in the ladies' room. Inadequate security is also a major concern in courthouses that deal with gang-related criminal proceedings. These problems illustrate why the Judicial Council prioritized security in the planning for new and renovated courthouses.

### **Jobs Impact**

At a time when the state's economy needs new jobs, the SB 1407 court construction program presents an unparalleled opportunity for economic stimulus. The \$5 billion of construction originally authorized by SB 1407 was estimated to create 104,000 jobs through direct employment and the related boost to local economies.

Many SB 1407 projects are in areas experiencing protracted high unemployment, such as Riverside, Imperial, and Stanislaus Counties. The impacts of delay will be felt throughout the construction industry and related trades, including both skilled and unskilled labor.

### **Escalating Costs**

The construction market is starting to improve, and the sooner courthouse projects are designed and bid, the lower the cost to the state. Repeated delays likely will cause

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cautious private sector participants to increase their bids to mitigate the perceived increased risk of uncertainty in doing business with the State of California.

### **Courthouse Project Delays**

Construction fund diversions are crippling progress on many essential courthouses:

<b>Indefinitely delayed by Judicial Council, Oct 26, 2012</b>	
<b>County</b>	<b>Project Name</b>
<b>Kern</b>	<a href="#">New Delano Courthouse</a>
	<a href="#">New Mojave Courthouse</a>
<b>Los Angeles</b>	<a href="#">New Glendale Courthouse</a>
	<a href="#">New Santa Clarita Courthouse</a>
<b>Monterey</b>	<a href="#">New South Monterey County Courthouse</a>
<b>Placer</b>	<a href="#">New Tahoe Area Courthouse</a>
<b>Plumas</b>	<a href="#">New Quincy Courthouse</a>

<b>Delayed to fund new Long Beach Courthouse, July 1, 2013</b>	
<b>County</b>	<b>Project Name</b>
<b>Fresno</b>	<a href="#">Renovate Fresno County Courthouse</a>
<b>Los Angeles</b>	<a href="#">New Southeast Los Angeles Courthouse</a>
<b>Nevada</b>	<a href="#">New Nevada City Courthouse</a>
<b>Sacramento</b>	<a href="#">New Sacramento Criminal Courthouse</a> Site acquisition can proceed

<b>Progress in design delayed until FY 2014-2015</b>	
<b>County</b>	<b>Project Name</b>
<b>El Dorado</b>	<a href="#">New Placerville Courthouse</a>
<b>Inyo</b>	<a href="#">New Inyo County Courthouse</a>
<b>Lake</b>	<a href="#">New Lakeport Courthouse</a>
<b>Mendocino</b>	<a href="#">New Ukiah Courthouse</a>
<b>Riverside</b>	<a href="#">New Riverside Courthouse (Mid-County Region)</a>
<b>Santa Barbara</b>	<a href="#">New Santa Barbara Criminal Courthouse</a>
<b>Shasta</b>	<a href="#">New Redding Courthouse</a>
<b>Sonoma</b>	<a href="#">New Santa Rosa Criminal Courthouse</a>
<b>Stanislaus</b>	<a href="#">New Modesto Courthouse</a>
<b>Tuolumne</b>	<a href="#">New Sonora Courthouse</a>

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More information:

VIDEO: California Courthouse Construction: Immediate and Critical Needs:  
<http://youtu.be/h1rPymFWCWU>

Judicial Branch Facilities Program: [www.courts.ca.gov/programs-facilities.htm](http://www.courts.ca.gov/programs-facilities.htm)  
Court Facilities Advisory Committee: [www.courts.ca.gov/15693.htm](http://www.courts.ca.gov/15693.htm)